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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,948	09/19/2000	Rainer Barth	67190/993896	5237
26646	7590	05/06/2005		EXAMINER
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004				PARTON, KEVIN S
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/664,948	BARTH, RAINER	
	Examiner Kevin Parton	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 19 September 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/27/2004 have been fully considered but they are not persuasive. Please see the following reasons and the grounds of rejection below.
2. On page 5, paragraph 5 – page 6, paragraph 1, the applicant argues that the reference to Levi fails to teach the association of a number of predefined operating states with a distribution group. The argument is not persuasive because in column 4, lines 31-39, Levi specifically points out that the result of a specific operating state is the distribution of a message to a group. The applicant further argues that Levi fails to teach that the controller of the device includes the table. However, nothing in the claims precludes storing the table at a site separate from the device being monitored. This is another part of the controller that may or may not be located in an operations center. This is simply a design choice. Further, in the applicant's specification, it is clearly pointed out that all conditions are forwarded to servers S1 and S2 (of figure 1). In fact, the controller NC is clearly separated from these servers and the generation/distribution of any messages. This is analogous to an operations center such as the one in the Levi reference.
3. On page 6, paragraph 2, the applicant further argues that the reference to Levi fails to teach the association of operating states to a distribution group. However, the table of Levi does send a message based on the operating state of the monitored device to a predefined group. For these reasons, the limitations of the claims are rendered obvious over Ghanime in view of Levi.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The newly amended claims require the control of a machine tool, a robot, and/or a production machine. The single drawing shows only a machine tool. The drawings should show each individual instance as well as the cumulative instance required by the claim. Therefore, all versions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 and 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime (USPN 6,591,296) in view of Levi et al. (USPN 6,477,667).

7. Regarding claim 1, Ghanime (USPN 6,591,296) teaches a system for control of devices comprising:

- a. A converter which associates predefined operating states, of the machine tool, robot, and/or production machine on an individual operating state basis to respective messages and/or alarms that, if one of the predefined operating states is present, the SMS message and/or and email about the one of the predefined operating states is sent to a predefined distribution group (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with: i) an address to whom the SMS message and/or email message is to be sent and ii) information identifying particular information to be included in the SMS message and/or email message (column 4, lines 6-8, 20-34).

c. Wherein after one of the predefined operating states is detected, the respective message and/or alarm associated with the one of the predefined operating states is sent via the SMS message and/or email to the respective distribution group associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying

Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the use of the table allows for fast and reliable updating without a significant amount of administrative work.

8. Regarding claim 4, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches an operating keyboard to effect the association by editing (column 5, lines 36-40).

9. Regarding claim 5, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein the converter is configured to initiate a bit poll, the bit poll for polling at least one system component for operation state information (column 3, lines 40-46).

10. Regarding claim 6, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein the SMS message and/or the email about the one of the predefined operating states is sent to the predefined address when one of the predefined operating states arises (column 3, line 59 – column 4, line 5).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the message is sent to a distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations wherein the message is sent to a distribution group (column 4, lines 31-35).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing multiple recipients in a distribution group. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution.

11. Regarding claim 7, Ghanime (USPN 6,591,296) teaches all the limitations as applied to claim 1. He further teaches means wherein each respective distribution group includes at least one person and/or distribution site (column 4, lines 2-5).

12. Regarding claims 9 and 11, Ghanime (USPN 6,591,296) teaches a system for monitoring comprising:

- a. A converter which associates predefined operating states of the machine tool, robot, and /or production machine on an individual operating state basis to respective messages and/or alarms (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with: i) an address to whom the SMS message and/or email message is to be

sent and ii) information identifying particular information to be included in the SMS message and/or email message (column 4, lines 6-8, 20-34).

- c. A transmitter configured to send the message and/or alarm associated with the one of the predefined operating states after the one of the predefined operating states is detected, the message and/or alarm being sent via the SMS message and/or email to the respective address associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution

group and information identifying particular information to be included in the message (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the use of the table allows for fast and reliable updating without a significant amount of administrative work.

13. Regarding claims 13 and 15, Ghanime (USPN 6,591,296) teaches a system for monitoring comprising:

- a. A converter which associates predefined operating states of the machine tool, robot, or production machine on an individual operating state basis to respective messages and/or alarms (column 3, lines 59-62; column 3, line 59 – column 4, line 5).
- b. Means to associate each of the predefined operating states with an address to whom the SMS message and/or email message is to be sent (column 4, lines 6-8, 20-34). Note that the MDC is a distribution group.
- c. A transmitter configured to send the message and/or alarm associated with the one of the predefined operating states after the one of the predefined operating states is detected, the message and/or alarm

being sent via the SMS message and/or email to the respective address associated with the detected predefined operating state, the respective message and/or alarm including the particular information identified by the information associated with the detected predefined operating state (column 4, lines 6-8, 20-34).

Although the system disclosed by Ghanime (USPN 6,591,296) shows substantial features of the claimed invention, it fails to disclose specifically a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for the remote monitoring of equipment and email notification of aberrations comprising a table which associates each of the predefined operating states with a respective distribution group and information identifying particular information to be included in the message (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of a table to associate messages and multiple addresses with a machine fault. This benefits the system by allowing multiple users to be alerted to a single problem to bring a faster resolution. Also, the

use of the table allows for fast and reliable updating without a significant amount of administrative work.

14. Regarding claims 8, 10, 12, 14, and 16, although the system disclosed by Ghanime (USPN 6,591,296) (as applied to claims 1, 9, 11, 13, and 15) shows substantial features of the claimed invention, it fails to disclose means wherein the table associates at least two of the predefined operating states with a different respective distribution group.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296), as evidenced by Levi et al. (USPN 6,477,667).

In an analogous art, Levi et al. (USPN 6,477,667) discloses a system for remote monitoring of equipment wherein the table associates at least two of the predefined operating states with a different respective distribution group (column 2, lines 36-37, 43-44; column 4, lines 31-39; column 5, lines 48-49, 60-61).

Given the teaching of Levi et al. (USPN 6,477,667), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) by employing the use of different distribution groups depending on the type of alarm or message. This benefits the system by allowing errors from different sensors to be sent to different locations that may have greater expertise in that specific fault.

15. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) as applied to claim 1 above, and further in view of Kuwabara (USPN 6,065,136).

16. Regarding claim 2, although the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the email has a file attached to it.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email notification of alerts wherein the email has a file attached to it (column 5, lines 15-18, 20-23).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) by employing the use of file attachments in the sending of data. This benefits the system by allowing for different data types and even programs to be sent along with the email alert.

17. Regarding claim 3, although the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667)(as applied to claim 2) shows substantial features of the claimed invention, it fails to disclose means wherein the file is a trace file, the trace file including an operating sequence preceding the message and/or alarms.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667), as evidenced by Kuwabara (USPN 6,065,136).

In an analogous art, Kuwabara (USPN 6,065,136) discloses a system for email notification of alerts wherein the file is a trace file, the trace file including an operating sequence preceding the message and/or alarms (column 4, lines 18-23; column 5, lines 15-18).

Given the teaching of Kuwabara (USPN 6,065,136), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ghanime (USPN 6,591,296) and Levi et al. (USPN 6,477,667) by employing the use of a trace file. This type of file benefits the system by allowing for historical tracking of the diagnostic data.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

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